

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE**

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**LOK SABHA**

UNSTARRED QUESTION NO. 2123

TO BE ANSWERED ON WEDNESDAY, THE 4<sup>th</sup> March, 2020

**SC/ST (Prevention of Atrocities) Act**

**2123. SHRI A. NARAYANA SWAMY:**

Will the Minister of LAW AND JUSTICE be pleased to state?

- (a) whether special courts have been set up to try cases under the SC/ST (Prevention of Atrocities) Act, 1989 in all districts of the country, as mandated in the Act;
- (b) if so, the details of the States which are yet to set up the Special Courts; and
- (c) the reasons for not setting up such courts by the concerned States?

**ANSWER**

**MINISTER OF LAW & JUSTICE, COMMUNICATIONS,  
ELECTRONICS AND INFORMATION TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)**

(a) to (c ):Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (PoA) Act, 1989, as amended by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Amendment Act, 2015 (No. 1 of 2016) specifies that for the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, establish an Exclusive Special Court for one or more Districts, provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, specify for such Districts, the Court of Session to be a Special Court to try the offences under the Act. As per available information, the State Governments and Union Territory Administrations

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of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, NCT of Delhi, and Puducherry have designated District Session Courts as Special Courts. The PoA Act, 1989 did not extend to the erstwhile State of Jammu and Kashmir. After the enactment of J&K reorganization Act, 2019, PoA Act has been made applicable in the UTs of J& K and Ladakh w.e.f 31.10.2019. Arunachal Pradesh and UT of Lakshadweep not have designated Special Courts for this purpose.

'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and the State Governments/Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of crimes within their jurisdiction including crimes against members of SCs and STs, and also for implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, the Central Government from time to time advises the State Governments/ Union Territory Administrations to effectively implement provisions of the PoA Act.

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